

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

MATTHEW SOUTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. # 1:20-cv-1295 (TSE/JFA)
	)	
C. T. IRBY, <i>et al.</i>	)	
	)	
Defendants.	)	

PLAINTIFF'S PROPOSED VOIR DIRE

Plaintiff Matthew Souter, by counsel, requests that the members of the jury venire be asked the following questions, beyond the court's standard voir dire inquiry:

1. Have you or any of your family members or friends worked in law enforcement?

Follow up as needed.

2. Have you been a plaintiff or defendant in a civil case? Follow up as needed.

3. Have you or any of your family members ever worked for Fauquier County? Follow up as needed.

4. It is anticipated that there may be conflicting testimony offered by Mr. Souter on the one hand and the defendant deputies on the other regarding the injuries Mr. Souter sustained when he was arrested. In such a situation, would the fact that law enforcement officers are sworn to uphold the law make tend to make you more inclined to believe their testimony over the testimony of a private person?

5. You will learn that in addition to physical injury, Mr. Souter is claiming injury in the form of psychological or emotional distress. Do you feel that people alleging psychological or emotional pain are seeking to stretch their claims for damages in inappropriate ways?

6. People who are victimized by the actions of others sometimes get emotionally upset when recounting, even in court, what happened to them. Do you believe you will be able to assess the plaintiff's testimony and damages fairly even if he becomes emotionally upset when recounting what happened to him?

7. Do you believe that laws or judicial decisions concerning arrests and excessive force make it inappropriately difficult for law enforcement officers to do their important law enforcement work?

8. Do you think that these days, many allegations of misconduct by law enforcement officers are overblown and overly critical of the persons charged with maintaining law and order?

9. Do you understand that law enforcement officers are specifically trained in testifying in court and typically experienced in doing so, as testifying is a part of their job?

10. In this case the liability of the defendant deputies for the wrongful arrest of Mr. Souter and for use of excessive force against him has already been determined as a matter of law. Do you understand that if selected as a juror to determine Mr. Souter's damages, you will be bound by the Court's determination of liability, and are you confident that you can accept the court's determination of liability without second guessing the Court?

Respectfully submitted,

MATTHEW SOUTER,

By counsel

Dated: July 29, 2022

Counsel for Plaintiff:

//s// Victor M. Glasberg

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Certificate of Service

I, Victor M. Glasberg, hereby certify that on this 29<sup>th</sup> day of July 2022, I electronically filed the foregoing Plaintiff's Proposed Voir Dire with the clerk of the court.

//s// Victor M. Glasberg

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